

11-403 FOSTER FAMILY AGENCY RATES 11-403

(a) Rate Determination Process

- (1) The Department shall set rates for each foster family agency utilized by counties which place AFDC-FC children.
 - (A) The rate for a foster family agency program which provides treatment services for children who have treatment needs shall be set in accordance with Sections 11-403(a)(2) and 11-403(b)-(k).
 1. As used in (A) above, "treatment needs" means that the placement agency, as defined in Section 11-400.1, has determined that the child has services needs which:
 - (i) Cannot be provided in an available family home;

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(See family home definition specified in Section 11-400.1.)

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- (ii) Would require group home placement if the child was not referred to a foster family agency; and
 - (iii) Can be met by the program offered by the foster family agency to which the child is being referred.
 2. The payment to foster parents of a foster family agency shall be at least as great as the Department's schedule of rates for foster family homes plus the amount added by the Department in recognition of the specialized nature of the children placed in such homes.

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- (B) The rate for a foster family agency program which does not provide treatment services shall be the basic rate as specified in Section 11-401.14.
1. A specialized care rate as defined in Section 11-400.1 may be paid for a child placed in certified family home of a foster family agency as described in (B) above when the following conditions are met:
- (i) the placing agency has determined that the child has care needs greater than those of a normal foster child; and
 - (ii) the placing county has a specialized care system as specified in Section 11-401.3.
- (See Section 11-401.4 for out of county placement requirements for specialized care.)
- (2) One rate shall be set for each program for which a rate request is received from a given foster family agency.
- (A) Each foster family agency shall identify and describe each of the programs it offers.
- (B) The Department shall have the authority to verify the legitimacy and accuracy of the descriptions of each program offered.
- (C) Where a foster family agency submits a rate request for more than one program and the Department determines that no significant difference exists between the programs, a separate rate or set of age-based rates shall not be set.

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(b) Rate Ceilings

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- (1) Welfare and Institutions Code Section 11463 provides that no county shall be reimbursed for any percentage increases in payments, made on behalf of AFDC-FC funded children who are placed with foster family agencies, which exceed the percentage cost-of-living increase provided in any fiscal year beginning on or after July 1, 1982, to persons receiving Aid to Families with Dependent Children (AFDC).

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- (2) The rate base for application of any fiscal year's cost-of-living adjustment granted by the Legislature shall be the rate established by the Department for the preceding fiscal year.

(c) Allowable Costs

- (1) In order to be claimed for AFDC-FC reimbursement, all costs shall be both allowable and reasonable as defined in federal statutes and regulations including 45 CFR Part 74 and 45 CFR 1356.

(A) Allowable costs shall include:

1. Payment to the foster parents for those items specified in Sections 11-401.11 and .12.
2. Reasonable social work activities provided by the foster family agency as defined in Section 11-400.1.
3. The reasonable cost of activities of recruiting and training certified family home foster parents and administration of the provision of items or services described in 1. and 2. above.

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(d) Rate Calculation

- (1) The rate shall consist of the sum of the following amounts per month per child:
- (A) The basic rate as specified in Section 11-400, plus an increment of \$175;
 - (B) The lesser of the actual allowable amount for social work services for the immediately preceding calendar year of \$250;
 - 1. Reported allowable costs shall be adjusted by the Department based on the Commission of State Finance's "California Necessities Index" (CNI) for the most recent full calendar year.
 - (C) An amount equal to two-thirds of the sum of (A) and (B) above for recruitment, training, and administration.

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- (D) EXAMPLE: The total rate for a 12-year-old child for FY 88-89 would be computed as follows:

Basic rate	\$378
Increment for child	175
Social work services	<u>250</u>
	\$803

Take two-thirds (.666) times the subtotal:

$$.666 \times 803 = 535$$

The recruitment, training, and administration amount would be \$535; the total rate would be \$1,338 (\$803 + \$535).

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(e) Rate Adjustments for Existing Foster Family Agency Rates

- (1) When, based on rate calculation provisions specified in Section 11-403(d), the newly calculated rate is lower than the existing rate, no increase in state participation in the existing rate shall occur until any cost-of-living increases provided in accordance with Welfare and Institutions Code Section 11463 eliminate the difference between the existing rate and the newly calculated rate.
- (2) When, based on rate calculation provisions specified in Section 11-403(d), the newly calculated rate is higher than the existing rate, any cost-of-living increases provided in accordance with Welfare and Institutions Code Section 11463 shall be applied until the difference between the existing rate and the newly calculated rate is eliminated.

(f) Rate Request Process

(1) Rate Request Submission

- (A) Each foster family agency shall submit to the Department a complete rate request for each program being provided in order to receive a rate for that program.
- (B) A rate request shall be considered complete when all required forms, program statement and other supporting documentation have been completed and submitted to the Department.
 1. If all the required forms necessary to the actual setting of rates have been submitted, but additional documentation is needed, the rate request shall be considered complete if the foster family agency submits the remaining documentation within 30 days after notification by the Department.
- (C) For Fiscal Year 1985/86, a complete rate request shall be due August 1, 1985.
 1. A late rate request shall not be accepted from an existing foster family agency after November 1, 1985.

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2. Foster family agencies which do not submit a rate request by November 1, 1985 shall not have a rate set for the new fiscal year and shall not receive AFDC-FC funds after February 1, 1986.
- (D) For fiscal years subsequent to 1985/86, a complete rate request is due April 1.
1. A late rate request shall not be accepted from an existing foster family agency after July 1.
 2. Foster family agencies which do not submit a rate request by July 1 shall not have a rate set for the new fiscal year and shall not receive AFDC-FC funds after September 1.

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- (E) Penalties for submission of late rate requests are specified in Section 11-403(f)(2)(B).

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- (F) Exceptions to these due dates shall be as specified in Section 11-403(g).
- (2) Effective Date of Rates
- (A) July 1 shall be the effective date for the rates when the rate request is submitted on time or late with good cause.
- (B) Effective dates of rates for foster family agencies which submit a late rate request without good cause shall be established as follows:
1. If the rate request is submitted from one day to one month late, the effective date will be August 1.

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2. If the rate request is submitted from one month and one day to two months late, the effective date will be September 1.
3. If the rate request is submitted from two months and one day to three months late, the effective date will be October 1.
4. Where the new rate is lower than the old rate, the lower rate shall be set retroactively to July 1 and adjusted pursuant to Section 11-403 on overpayments.

(C) Exceptions to the effective dates of rates shall be as specified in Section 11-403(g).

(g) Deviations from the Rate Setting Process

(1) New Foster Family Agency Providers

(A) A new foster family agency provider shall be one who:

1. Has not operated a foster family agency or group home program for AFDC-FC funded children in the fiscal year preceding that for which the rate is being set; or
2. Has operated a foster family agency in the fiscal year preceding that for which the rate is being set but did not accept AFDC-FC funded children during that fiscal year; and
3. Has not merely added a new program; increased the level of services provided; changed incorporation; reorganized; or changed name, location, ownership, or license.

(B) The initial rate for new foster family agency providers shall consist of the sum of the following amounts per month per child:

1. The basic rate as specified in Section 11-400, plus an increment of \$175;

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2. An amount equal to the average for actual costs incurred for social work services as determined by the Department for foster family agencies which received AFDC-FC funds for the previous fiscal year.
 3. An amount equal to two-thirds of the sum of 1. and 2. above for recruitment, training and administration.
- (C) In order to establish a permanent rate, new foster family agency providers shall submit to the Department a complete rate request based on actual costs for social work services for one of the following cost periods:
1. If the date of the new foster family agency provider's first AFDC-FC eligible placement occurs between January 1 and June 30, the cost period shall be from the date of the first placement to December 31 of the same year.
 - (i) The rate request shall be due the following March 1 and the permanent rate shall be effective the following July 1.
 2. If the date of the new foster family agency provider's first AFDC-FC eligible placement occurs between July and December, the cost period shall be from the date of the first placement to December 31 of the following year.
 - (i) The rate request shall be due March 1 of the second calendar year after the initial placement and the permanent rate shall be effective July 1 of the second calendar year.

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- (ii) Beginning Fiscal Year 1986/87, the provider shall be entitled to any cost-of-living increase provided in accordance with Welfare and Institutions Code Section 11463 between the date of the first placement and the date the permanent rate is set.

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3. Example:

Date of Initial Placement	Cost Period Ends	Rate Request Due	Permanent Rate Effective
1/1 - 6/30/86	12/31/86	3/1/87	7/1/87
7/1 - 12/30/86	12/31/87	3/1/88	7/1/88

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(2) New Foster Family Agency Programs

(A) A new foster family agency program shall be one which:

1. Serves an entirely different population at an entirely different level of service than that currently served by the foster family agency's existing program(s); and
2. Is either based in different certified family home(s) than the current program(s) operated by the foster family agency, or the current program(s) operated by the foster family agency is replaced by an entirely new program.

(B) Initial rates for new programs shall be set in accordance with Section 11-403(g)(1)(B) and (C).

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(C) Foster family agencies requesting a new program rate shall obtain and submit to the Department verification from the host county that:

1. The provisions of Section 11-403(g)(2)(A) are met; and
2. The need for the new program(s) is justified.

(3) Program Expansions

(A) All other changes which do not meet the requirements of 11-403(g)(1)(A) and 11-403(g)(2)(A) above shall be designated program expansions.

1. Costs associated with these changes shall be incorporated into the rate request for the following year's rate-setting process.

(h) Administrative Review Procedure

- (1) The administrative review procedure for foster family agencies shall be as specified in Section 11-430.

(i) State Audit Requirements

- (1) Audit requirements for foster family agencies shall be as specified in Section 11-402.7.

(j) Overpayments

- (1) Overpayment policies for foster family agencies shall be as specified in Section 11-402.8.

(k) Accounting Principles

- (1) Accounting principles for foster family agencies shall be as specified in Section 11-402.31.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11468 and 11468.2, Welfare and Institutions Code.

11-410	TRANSITIONAL HOUSING PLACEMENT PROGRAM RATES	11-410
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- .1 Participating counties shall establish a rate for transitional housing placement programs and the rates shall not exceed the aggregate placement costs for these children if they had not participated in the transitional housing placement programs in accordance with Welfare and Institutions Code Section 11460.1(a).

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Welfare and Institutions Code Section 11460.1(a) states the following:

"The Department shall develop a ratesetting system for licensed community care facilities participating in transitional housing placement programs, as defined by Section 16522, and as described by Section 1559.110 of the Health and Safety Code. The rates shall not exceed the aggregate placement costs for these children if they had not participated in the transitional housing placement program."

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NOTE: Authority cited: Sections 10553, 10554 and 11460.1, Welfare and Institutions Code; and Health and Safety Code Section 1559.125. Reference: Section 16522.3, Welfare and Institutions Code; and Health and Safety Code Section 1559.110.

11-415	INFANT SUPPLEMENT	11-415
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- .1 The infant supplement paid shall be a uniform amount to cover the cost of care and supervision of a child in addition to the rate that would otherwise be paid for the minor parent's placement.
- .11 The amount paid for a child living with a minor parent in a group home placement who receives AFDC-FC shall be \$708 per month per child.
- .12 The amount paid for a child living with a minor parent in an eligible facility other than a group home who receives AFDC-FC shall be \$326 per month per child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11468, Welfare and Institutions Code.

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.1 Clothing Allowances

- .11 Counties shall have the authority to make provision for the cost of additional clothing, including an initial supply of clothing and school or other uniform when not included in the rate.
- .12 State participation in increases for clothing allowances established by the county shall not exceed the percentage cost-of-living increase granted other AFDC recipients in accordance with Welfare and Institutions Code Section 11453.

.2 Allowance for Funeral Expenses

- .21 When a foster parent(s) desires a funeral other than as provided by the county, the county shall reimburse the foster parent(s) for the cost of the funeral expenses up to \$2,275 for a child receiving foster care at the time of his/her death to the extent not otherwise reimbursed for costs incurred for such purposes.
 - .211 Direct payment of the claim to the funeral home and burial plot provides shall be made under the following circumstances:
 - (a) upon request by the foster parent(s); or
 - (b) when death of the foster child is due to the foster parent's alleged criminal negligence or other alleged criminal action.
 - .212 The county shall submit claims to the Department for costs incurred and paid within the above limitations.

.3 Exclusions

- .31 No amount shall be allowed as special need for the following:
 - .311 Items other than those specified in Sections .1 and .2 above.
 - .312 Any special need item available to the child prospective caretaker without cost.
 - .313 Service-connected expenses (see Section 10-305).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11468, Welfare and Institutions Code.

11-425	RESPONSIBILITIES OF COUNTY WELFARE DEPARTMENTS	11-425
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- .1 The county welfare and probation departments' responsibilities shall include, but not be limited to, the following:
- .11 Paying the rate(s) determined by the Department on behalf of AFDC-FC eligible children placed with foster parents and providers. (See Sections 11-401, 11-402 and 11-403.)
 - .12 Recommending the establishment of a new program by a new or existing provider, or a program change which is either more than one RCL greater than the original RCL determination or a program change to RCL 13 or 14. (See Sections 11-402.41, .42, and .43). The recommendation is to include:
 - .121 Program is needed in that county.
 - .122 Provider is capable of effectively and efficiently operating the program.
 - .123 Provider is willing and able to accept AFDC-FC children for placement who are determined by the placing agency to need the level of care and services that will be provided by the program.
 - .13 Confirming the existence and legitimacy of more than one program as appropriate. (See Section 11-402.1.)
 - .14 Reviewing children placed by the placement agency in the program which is determined to have points at RCL 13 or 14 and verifying to the Department that all the children have special treatment needs. (See Section 11-402.18)
 - .15 Upon request by the Department, counties shall report the county's understanding of the services offered by the program and the population served.
 - .16 Cooperating with other placement agencies to form a regional consortium to review group home program requests for county recommendation.
 - .17 Participating, if requested by the Department, in the rate review process. (See Section 11-402.56.)

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- .18 Submitting to the Department rate payment information for each fiscal year beginning with fiscal year 1983/84, for family homes, homefinding agencies, and group homes.
- .19 Providing the Department with reasonable and applicable information and statistics as required.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23. Reference: Sections 11462(g)(2), 11462(i)(2), and 11462.01(b), Welfare and Institutions Code.

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.1 Administrative Review of Departmental Audits for Group Home Programs and Foster Family Agencies.

.11 Exit Conference and Audit Report

.111 Prior to the issuance of an audit report by the Department, a group home provider/foster family agency shall be afforded the opportunity to participate in an exit conference. The purpose of the exit conference is to:

- (a) Inform the group home provider/foster family agency of the preliminary audit findings and to review any specific situations in which the records reviewed by the Department were not found to substantiate the RCL level or rate paid to the group home provider/foster family agency.
- (b) Allow the group home provider/foster family agency an opportunity to identify and present any specific records relevant to the audit findings but not reviewed by the Department.

.112 At the conclusion of the exit conference, the Department shall provide the group home provider/foster family agency with a copy of the preliminary draft audit findings. The Department shall notify the group home provider/foster family agency that the Department will issue an audit report within 45 days after the exit conference and shall inform the group home provider/foster family agency of the administrative review procedure relative to audit findings. Within 15 calendar days of the exit conference, the group home provider/foster family agency shall submit to the Department any records which were identified by the group home provider/foster family agency at the exit conference as relevant to the audit findings but were not available for review by the Department at that time.

.113 An audit report issued by the Department shall include the following:

- (a) A complete listing of audit findings, including all items to which an exception has been taken, the RCL point or other value of each audit finding, and the authority cited for each audit finding.

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- (b) Notice of the group home provider/foster family agency's right to an administrative review of certain audit findings contained in the audit report.

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- .114 Beginning January 1, 1994, unless otherwise specified in law, an audit report for a program audit will follow the reporting standards contained in the "Reporting Standards for Performance Audits" section of "Government Auditing Standards" (Rev. 1988) by the Comptroller General of the United States, United States General Accounting Office.
- .115 Beginning January 1, 1994, unless otherwise specified in law, an audit report for a fiscal audit will follow the reporting standards contained in the "Reporting Standards for Financial Audits" section of "Government Auditing Standards" (Rev. 1988) by the Comptroller General of the United States, United States General Accounting Office.

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- .116 Noncompliance by the Department with the "Reporting Standards for Performance Audits" and "Reporting Standards for Financial Audits" sections of "Government Auditing Standards" (Rev. 1988) by the Comptroller General of the United States, United States General Accounting Office, shall not preclude or bar the Department from sustaining or collecting actual overpayments, or otherwise invalidate an audit report.
- .12 Statement of Disputed Audit Findings
 - .121 A group home provider/foster family agency may request an administrative review of an audit report to examine any disputed audit finding which results in an adjustment to the group home provider/foster family agency's rate for a previous audit period or that reduces the group home provider's overall RCL point total or foster family agency reimbursement for a previous audit period by submitting a written request ("Statement of Disputed Audit Findings") to the Department, as follows:
 - (a) A Statement of Disputed Audit Findings shall be filed with the Department within 60 calendar days of the receipt of the audit report.

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- (b) The Statement of Disputed Audit Findings may be amended by the group home provider/foster family agency at any time during the 60 calendar day period.
- .122 If a Statement of Disputed Audit Findings is not filed with the Department within the 60 calendar day period, the audit report will be deemed final unless the following requirements are met:
 - (a) A group home provider/foster family agency files a request for a good cause determination under Section 11-402.371 on or before the 50th calendar day period following the receipt of the audit report.
 - (b) The Department makes a good cause determination in accordance with Section 11-402.372.
- .123 The Statement of Disputed Audit Findings shall be in writing, signed by the group home provider/foster family agency, and shall state the name, address and telephone number of the group home provider/foster family agency and of the agent, if any agent has been designated, and the date of signing of the Statement. A group home provider/foster family agency shall specify the name and address of the individual authorized on behalf of the group home provider/foster family agency to receive documents from the hearing officer or Administrative Law Judge, including the final decision of the Director, relating to the administrative review.
- .124 The Statement of Disputed Audit Findings shall be specific as to each audit finding in dispute, setting forth the group home provider/foster family agency's contention as to each disputed audit finding, the authority for each contention and the estimated amount or RCL point value for each disputed audit finding. The group home provider/foster family agency or the agent shall submit all supporting documentation relevant to the administrative review which may include the records maintained pursuant to Sections 11-402.521 through 11-402.523, payroll files and any other supporting documentation.
- .125 A Statement of Disputed Audit Findings shall only address specific audit findings contained in the audit report. Other issues, including but not limited to the authority of the Department to set rates, determine RCL points, conduct audits or collect overpayments, shall not be included in the Statement of Disputed Audit Findings for purposes of resolution in the administrative review.

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- .126 If an informal hearing officer determines that a Statement of Disputed Audit Findings is not specific as to each audit finding in dispute, or that necessary supporting documentation is not included with the Statement of Disputed Audit Findings, the hearing officer shall notify the group home provider/foster family agency or the agent of the group home provider/foster family agency of the insufficiency. The group home provider/foster family agency or the agent shall be granted 30 calendar days after the date of the mailing of the notice of insufficiency within which to file an amended Statement of Disputed Audit Findings or supply the necessary supporting documentation. If within the time permitted the group home provider/foster family agency or the agent fails to correct the insufficiency by amending or supplementing the Statement of Disputed Audit Findings as specified in the notice of insufficiency, the dispute as to those audit findings shall be denied.
- .127 A group home provider/foster family agency may appeal a determination by the Department that a Statement of Disputed Audit Findings has not been filed on a timely basis. An "Order to Show Cause" hearing solely on the timeliness issue shall be held before an Administrative Law Judge pursuant to Section 11-430.5. The remedy for a group home provider/foster family agency in an "Order to Show Cause" hearing shall be limited to the filing of a timely Statement of Disputed Audit Findings pursuant to Section 11-430.12.
- .13 Amended Audit Report
- .131 An amended audit report may be issued by the Department for an audit period for which administrative review is pending if during the administrative review process the group home provider/foster family agency or its agent submits additional supporting documentation or other evidence that was not reviewed by the auditors at the time of the field audit.
- .132 The informal hearing officer or Administrative Law Judge shall suspend the administrative review for a period not exceeding 120 days while the Department completes an amended audit report and the group home provider/foster family agency identifies any additional disputed audit findings contained in the amended audit report.

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- .133 After completion of an amended audit report by the Department, the group home provider/foster family agency may include any additional disputed audit findings in a pending administrative review by submitting an amended Statement of Disputed Audit Findings and necessary supporting documentation to the informal hearing officer or Administrative Law Judge.
- .134 The informal hearing officer or Administrative Law Judge may dismiss the administrative review without prejudice to the right to request a subsequent administrative review under this article when he or she deems this course to be appropriate.
- .14 Informal Hearing
- .141 An informal hearing on the audit findings disputed by the group home provider/foster family agency in the Statement of Disputed Audit Findings shall be scheduled within 30 days of receipt of the Statement of Disputed Audit Findings. An informal hearing officer designated by the Department, but not reporting directly to the Foster Care Branch, shall preside at the informal hearing.
- .142 Written notice of the time and place of informal hearing will be mailed to each party by the informal hearing officer at least 15 calendar days before the date of the hearing. This period may be shortened with the consent of the parties. Any party may waive notice.
- .143 Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law. Disputed audit findings contained in the Statement of Disputed Audit Findings which are not discussed at the informal hearing shall not be deemed waived.
- .144 The informal hearing shall be electronically recorded unless the parties agree otherwise. The official record of the informal hearing shall include the electronic recording and all documents received for review by the informal hearing officer.
- .145 Unless otherwise agreed by the parties, the results of the informal hearing shall be served on the parties, within a reasonable time, in the form of a written Report of Findings.

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- .146 The Report of Findings shall be considered final unless the group home provider/foster family agency submits a written Request for Formal Hearing in accordance with Section 11-430.15.
- .15 Request For Formal Hearing
- .151 Either party to an informal hearing may request a formal hearing by filing a Request for Formal Hearing within 30 calendar days of the issuance of the Report of Findings by the informal hearing officer.
- .152 The Request for Formal Hearing shall be in writing, signed by the group home provider/foster family agency or the authorized agent, or by an authorized representative of the Department, and shall state the name, address and telephone number of the requestor and the date of signing of the request. If a group home provider/foster family agency or its agent is the requestor, it shall specify the name and address of the individual authorized on behalf of the group home provider/foster family agency to receive all documents, including the final decision of the Director, relating to the formal hearing.
- .153 The Request for Formal Hearing shall specify whether the requesting party is requesting an oral administrative hearing or an administrative hearing based upon the official record developed in accordance with Section 11-430.144 without the taking of oral testimony or oral argument.
- .154 The Request for Formal Hearing shall include a copy of the Statement of Disputed Issues filed pursuant to Section 11-430.12 and the Report of Findings issued by the informal hearing officer. The Request for Formal Hearing shall be specific as to each audit finding which remains in dispute, setting forth the requestor's contention as to each disputed audit finding, the authority for each contention and the estimated amount or RCL point value for each disputed audit finding. The party filing the Request for Formal Hearing shall submit all supporting documentation relevant to the administrative review which may include the records maintained pursuant to Sections 11-402.521 through 11-402.523, payroll files and any other supporting documentation.

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- .155 A Request for Formal Hearing shall be submitted, via personal delivery or certified mail, domestic receipt requested, to the office and address specified in the informal hearing officer's Report of Findings or the transmittal letter included with the Report of Findings. At the same time, a copy of the Request for Formal Hearing shall be mailed, via certified mail, domestic receipt requested, to the opposing party.
- .16 Request For Settlement Conference
- .161 Either party to a formal hearing may request that a settlement conference be held by submitting a request to the Administrative Law Judge. If the Administrative Law Judge determines that a settlement conference is appropriate, it shall be scheduled and held as soon as reasonably possible. The Administrative Law Judge shall provide written notice of the date, time, and place of the settlement conference which shall be mailed to each party at least 10 days before the date of the conference. This period may be shortened with the consent of the parties. Any party may waive notice. Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law.
- .162 A formal hearing may be converted into a settlement conference if the parties mutually agree, or if the Administrative Law Judge otherwise deems it appropriate. In such cases, any applicable deadlines for the completion of the administrative review shall be extended as required.
- .17 Response Documents and Administrative Record

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- .171 Within 60 days of receipt of a Request for Formal Hearing, the opposing party may submit a Response. A Response shall be specific as to each audit finding which remains in dispute, setting forth the opposing party's response to the requestor's contention as to each disputed audit finding, the authority for each response and the estimated amount or RCL point value for each disputed audit finding. A Response shall be submitted via personal delivery or certified mail, domestic receipt requested, to the address specified in the informal hearing officer's Report of Findings or the transmittal letter included with the Report of Findings. At the same time, the opposing party shall mail a copy via certified mail, domestic receipt requested, to the requestor or its authorized agent. The Administrative Law Judge may allow at a party's request, or from his/her own motion, additional information or argument from any party. The other party shall be provided a reasonable opportunity, as determined by the Administrative Law Judge, to respond to such additional submission.
- .172 The administrative record shall include the documents specified in Sections 11-430.12, 11-430.15, and 11-430.171, all applicable laws, regulations and procedures, and those matters of which the Administrative Law Judge takes official notice. When an oral formal hearing is conducted, evidence received at that hearing will also be included in the administrative record.
- .173 When a formal hearing is to be conducted based on the record without an oral hearing, the administrative record will be closed and the parties notified when the Administrative Law Judge determines that the record is complete. The Administrative Law Judge shall conclude a formal hearing based upon the written record within 180 days after filing the Request for Formal Hearing.
- .18 Conduct A Formal Hearing
 - .181 When an oral administrative hearing has been requested or determined by the Administrative Law Judge to be appropriate, the hearing shall be conducted in accordance with Sections 11-430.44 through 11-430.74. The formal administrative hearing shall follow the procedures specified in Sections 11-430.5 through 11-430.74.

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- .2 Administrative review procedures for foster family agencies rate setting procedures and AFDC-FC rate setting procedures shall include protest proceedings and appeal proceedings.
- .3 Protest Proceedings
- .31 A protest proceeding shall be available for group home providers/foster family agencies which disagree with the set rate and which request a different rate.
- .32 A written protest shall be filed with the Department within 60 days from the date of the mailing of the notification of a set rate. The written protest shall include the following:
- .321 The name, telephone number, signature, and date of signing of the protest of the group home provider/foster family agency or of the person representing the group home provider/foster family agency;
- .322 Name and address of the group home provider/foster family agency and the program number;
- .323 Reason for the protest; and
- .324 Full supporting documentation relevant to the resolution of the protest which may include, but is not limited to the following:
- (a) The records maintained pursuant to Sections 11-402.521 through .523.

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- (1) Personnel records, which include, but are not limited to:
- (A) Current licenses; diplomas; copies of official transcripts if major shown on diploma is other than those listed as an equivalent for the appropriate program component; or diploma is from a non-accredited school; dated applications for employment and/or resumes; time sheets; salary schedules showing hours and amount paid; employee benefits; contracts; training and development documents; job descriptions (including position title and classification, duties and responsibilities); and group home organization charts.

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- (2) Case management records, which include but are not limited to:
 - (A) Treatment plan; psychological evaluations/reports; medical evaluations/releases; mental health professional billings including Medi-Cal billings; education evaluations/information; correspondence; dictation and documentation of services provided; court orders; quarterly reports/program reports; information required by licensing regulations under Title 22; verification from the placement agency required in Section 11-402.411(a)(7); including copies of the certifications and/or assessments specified in Section 11-400a.(1) and Sections 11-402.181(b) and .181(c) for children placed in a group home program classified at RCL 13 or RCL 14; copies of the program certification specified in Section 11-400c.(2) and Section 11-402.181(c) for group home programs classified at RCL 13 or RCL 14; and all RCL significant information pertaining to a client shall be included in the client's record; and mental health professional's daily logs and notes, including information pertaining to day treatment programs, which verify that services were provided to children in placement.
- (3) Training program records which document all the information in the training log such as:
 - (A) The date(s) of training; hours of duration of each training session; certification of completion; name of trainer and certification; documentation showing provider paid any costs for training, including employee wages and benefits; and subject of the training.

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- (b) Payroll Files including, but not limited to, a copy of the salary schedule, a record of employee benefits and time sheets.
- .33 A group home provider may appeal a determination by the Department that a written protest regarding a departmental rate setting procedure has not been filed on a timely basis. An "Order to Show Cause" hearing solely on the timeliness issue shall be held before an Administrative Law Judge pursuant to Section 11-430.5. The remedy for a group home provider in an "Order to Show Cause" hearing shall be limited to the filing of a timely written protest pursuant to Section 11-430.31.
- .34 The Department may request additional documentation or information.
 - .341 Group home providers/foster family agencies shall submit additional documentation to the Department within 30 days of each receipt of the request for such documentation.

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- .35 The protest and supporting documentation/additional documentation shall be submitted via certified mail, return receipt requested, to the following address:

California Department of Social Services
Foster Care Rates Bureau
744 P Street, M.S. 19-74
Sacramento, CA 95814

- .36 Within 90 days of the receipt of the final documentation or information from the group home provider/foster family agency, the Department shall issue a decision letter via certified mail, return receipt requested.

- .361 The decision letter shall state the reasons for the Department's decision and shall include a statement of the right to appeal the decision.

.4 Filing an Appeal and Developing the Record

- .41 A group home provider/foster family agency that does not concur with the decision letter set forth in Section 11-430.36 and requests a different rate shall file a written appeal with the Department within 60 days of receipt of the decision letter. The date of mailing of the appeal shall establish the filing date.

- .411 A position statement shall be submitted with the appeal and shall include:

- (a) A specific statement of disputed issues.
- (b) The relevant facts of the case.
- (c) The legal authority supporting the position of the group home provider/foster family agency.
- (d) A copy of all supporting documents and exhibits which are to be offered into evidence.

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- .412 The written appeal shall specify whether the group home provider/foster family agency is requesting an oral administrative hearing, or an administrative hearing based upon the written record developed in accordance with Section 11-430.42 without the taking of oral testimony or oral argument.
- .413 The appeal shall be submitted, via certified mail, domestic receipt requested, to the office and address specified in the decision letter. At the same time, a copy shall be mailed, via certified mail, domestic receipt requested, to:

California Department of Social Services
Foster Care Rates Bureau
744 P Street, M.S. 19-74
Sacramento, CA 95814

- .414 The request for appeal shall specify whether or not the group home provider/foster family agency desires that an informal conference be held.
- (a) If an informal conference is requested, the reasons for the informal conference shall be included with the request for appeal.
- (b) If the Administrative Law Judge determines that an informal conference is appropriate, it shall be ordered and scheduled as soon as reasonably possible. The Administrative Law Judge shall preside at this informal conference.
- (c) The Administrative Law Judge shall provide written notice of the date, time, and place of the informal conference which shall be mailed to each party at least 10 days before the date of the informal conference. This period may be shortened with the consent of the parties. Any party may waive notice.

11-430	AFDC-FOSTER CARE ADMINISTRATIVE REVIEW PROCEDURES (Continued)	11-430
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- (d) Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law.

.42 Developing the Written Record.

.421 Within 60 days of receipt of an appeal of a rate setting protest decision letter, the Department shall submit its response to the appeal. The response shall include:

- (a) A specific statement of disputed issues.
- (b) The relevant facts of the case.
- (c) The legal authority supporting the Department's position.
- (d) A copy of all supporting documents and exhibits which are to be submitted into evidence.

.422 The Department's response shall be submitted by personal delivery or certified mail, domestic receipt requested, to the office and address specified in Section 11-430.413. At the same time, the Department shall mail a copy via certified mail, domestic receipt requested, to the group home provider/foster family agency.

.423 The group home provider/foster family agency may submit a written rebuttal to the Department's response within 30 days of the receipt of the Department's response. The rebuttal shall be submitted as set forth in Section 11-430.413.

.424 The Department may submit a written rebuttal to a rebuttal filed by the group home provider/foster family agency within 30 days of the receipt of the rebuttal. The Department's rebuttal shall be filed as set forth in Section 11-430.422.

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- .425 The Administrative Law Judge may allow at a party's request, or require on his/her own motion, additional information or argument from any party. The other party shall be provided a reasonable opportunity, as determined by the Administrative Law Judge, to respond to such additional submission.
- .426 The written record shall include the documents discussed in Sections 11-430.41 through 11-430.425, all applicable laws and regulations, and those matters of which the Administrative Law Judge takes official or judicial notice. (When an oral administrative hearing is conducted, additional record material submitted for that administrative hearing will subsequently be included.)
- .43 When the administrative hearing is to be conducted without an oral administrative hearing, the record shall be closed and the parties notified when the Administrative Law Judge determines that the record is complete. The Administrative Law Judge shall conduct the administrative hearing upon the written record within 180 days after filing the appeal of the rate protest decision letter.

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- .44 The following shall occur when an oral administrative hearing has been requested:
- .441 A written notice of the date, time and place of the oral administrative hearing shall be mailed to each party at least 30 days prior to the date of the oral administrative hearing. This period may be waived by any party or shortened with the consent of all parties. The notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.
 - .442 The oral administrative hearing shall be conducted within 180 days after the filing of an appeal by the group home provider or foster family agency.
 - .443 The Administrative Law Judge shall determine the date, time, and location of the oral administrative hearing to be held within Sacramento County, unless a different location is ordered by the Administrative Law Judge based upon the needs of a particular appeal.
- .5 Procedures Applicable to All Formal Administrative Hearings.
- .51 The Administrative Law Judge on his/her own motion or the motion of any party may:
- .511 Extend any time period in these appeal regulations for good cause, except the time period set forth in Section 11-430.41 for the filing of an appeal.
 - .512 Consolidate for an administrative hearing or decision any number of issues or appeals when the facts and circumstances are similar and no substantial right of any party is prejudiced.
 - .513 Join other parties, grant continuances, and hold additional administrative hearings, as necessary.
 - .514 Hear any issue before any other issue in the proceeding if the decision on that issue could abate further proceedings.
 - .515 Question any party or witness.

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- .516 Prepare a proposed decision for the Director on any separately heard issue.
- (a) Postpone hearing any remaining issues until a final decision has been submitted on any separately heard issues.
- .517 Require any party to submit written memoranda pertaining to any or all issues.
- .518 Dismiss the appeal if the group home provider/foster family agency fails to proceed with the administrative hearing process or fails to appear at an oral administrative hearing.
- (a) A copy of such dismissal shall be mailed to each party with a statement of the group home provider/foster family agency's right to request that the administrative hearing be reopened. Notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.
- (b) The Administrative Law Judge may vacate any dismissal if the group home provider/foster family agency applies in writing, within 10 calendar days after receipt of such dismissal, and shows good cause for failure to proceed or to appear at the administrative hearing. Lack of good cause shall be inferred if a continuance of the administrative hearing is not requested promptly upon discovery of the reason(s) for failure to proceed or appear at the administrative hearing.
- (c) The parties shall be given written notice of an order granting or denying any application to vacate a dismissal. Notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.
- .52 In order to obtain additional evidence, the Administrative Law Judge may:
- .521 Continue the administrative hearing and hold the record open for any party to produce additional evidence.
- .522 Close the administrative hearing and hold the record open for the introduction of additional documentary evidence.

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- (a) Material submitted after the close of the administrative hearing shall be provided to each party and to the Administrative Law Judge.
 - (b) The other party shall have the opportunity to respond to additional material submitted by a party.
- .523 If the nature of the additional evidence or the rebuttal warrants, order an additional administrative hearing.
- .524 Reopen the record on his/her own motion.
- .53 An Administrative Law Judge may refuse to allow any person to represent a party in an administrative hearing when the person:
 - .531 Engages in unethical, disruptive, or contemptuous conduct.
 - .532 Intentionally fails to comply with the instructions or orders of the Administrative Law Judge or the administrative hearing procedures.
- .54 The administrative hearing need not be conducted according to technical rules relating to evidence and witnesses, except as provided in these regulations.
 - .541 Relevant evidence, including hearsay, shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.
 - (a) Hearsay evidence shall be permitted to be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions.
 - (b) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized under California law in civil actions.

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- (c) Irrelevant, cumulative or unduly repetitious evidence may be excluded by the Administrative Law Judge.
- (d) A duplicate is admissible to the same extent as an original unless:
 - (1) A genuine question is raised as to the authenticity of the original or the duplicate.
 - (2) It would be unfair to admit the duplicate in lieu of the original.

.542 The Administrative Law Judge shall take official notice of those matters which must be judicially noticed by a court under Section 451 of the California Evidence Code, and may take official notice of those matters which may be judicially noticed by a court under Section 452 of the California Evidence Code.

- (a) The parties to the administrative hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record.
- (b) Each party shall be given a reasonable opportunity, upon request, to refute the officially noticed matters.

.55 Procedures Governing Subpoenas

.551 Before the administrative hearing has commenced, the agency or the assigned Administrative Law Judge shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the administrative hearing. Subpoenas and subpoenas duces tecum shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. After the administrative hearing has commenced, the Administrative Law Judge may issue subpoenas and subpoenas duces tecum.

.552 The process issued pursuant to Subdivision (a) shall be extended to all parts of the state and shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend the administrative hearing unless the witness is a resident of the state at the time of service.

11-430	AFDC-FOSTER CARE ADMINISTRATIVE REVIEW PROCEDURES	11-430
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- .553 All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court (Government Code Section 68093 provides for fees of \$35 per day and mileage at \$.20 cents a mile, round trip.). Witnesses appearing pursuant to subpoena, except the parties, who attend administrative hearings at points so far removed from their residences as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of three dollars (\$3) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the administrative hearing. Fees, mileage, and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.
- .6 Additional Procedures Applicable to Oral, Formal Administrative Hearings
- .61 Within 15 days after receipt of the written notice that the case has been calendared for an oral administrative hearing, each party shall mail or deliver to the other parties and the Administrative Law Judge:
- .611 The names and addresses of witnesses, including but not limited to, those intended to be called to testify; and
- .612 A copy of all written documents and exhibits which are to be offered into evidence and which were not previously made a part of the record.
- (a) An explanation shall be included of why the evidence was not previously provided. Unless good cause is shown, or the other party concurs in the submission, the Administrative Law Judge may exclude such evidence. If the evidence is allowed, the Administrative Law Judge may provide the other party additional time to respond to such evidence.

11-430	AFDC-FOSTER CARE ADMINISTRATIVE REVIEW PROCEDURES (Continued)	11-430
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- .62 Any party proposing to object to the receipt in evidence of any proposed exhibit shall advise the presenting party of such objection prior to the commencement of the administrative hearing.
 - .621 All parties shall confer with respect to any objections in advance of the administrative hearing and attempt to resolve them.
- .63 A party appearing at an administrative hearing shall have the necessary evidence and witnesses present and be ready to proceed.
- .64 Testimony shall be taken on oath, or affirmation, under penalty of perjury.
- .65 The administrative hearing shall be electronically recorded, or perpetuated by other means capable of reproduction and transcription.
- .66 Each party shall have the right to:
 - .661 Call and examine parties and witnesses;
 - .662 Introduce documents or exhibits;
 - .663 Question opposing witnesses and parties on any matter relevant to the issues even though the matter was not covered in the direct examination;
 - .664 Impeach any witness regardless of which party first called the witness to testify; and
 - .665 Rebut the evidence.
 - .666 The group home provider/foster family agency shall not be called to testify during the Department's initial presentation pursuant to Section 11-430.671. A group home provider/foster family agency who thereafter fails to testify in its own behalf, may be called and examined as if under cross examination.

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- .67 Subject to the discretion of the Administrative Law Judge, the order of the presentation of evidence shall be as follows:
- .671 The Department shall present its case first.
- .672 Once the Department has completed its case, the group home provider/foster family agency shall present its case.
- .673 The Department shall have the opportunity to rebut the group home provider's/foster family agency's evidence.
- .674 The group home provider/foster family agency shall have the opportunity to rebut the rebuttal presented by the Department.
- .68 The administrative hearing shall be conducted in the English language.
- .681 The proponent of any testimony to be offered by a witness who does not speak the English language proficiently shall provide an interpreter, approved by the Administrative Law Judge as proficient in the English language and the language in which the witness will testify.
- (a) The cost of the interpreter shall be paid by the party providing the interpreter.
- (b) The interpreter shall swear or affirm that he/she shall translate truthfully, accurately, and completely.
- .69 The Administrative Law Judge shall grant oral and may grant written argument at the request of any party made prior to the close of the administrative hearing.
- .691 The Administrative Law Judge shall advise the parties of the time and manner in which the written argument is to be filed.
- .7 Decision Process
- .71 A proposed decision in a format that may be adopted as the decision of the Director shall be submitted to the Director within 180 days after the closure of the record.
- .72 Within 120 days after submission of the Administrative Law Judge's proposed decision, the Director shall:

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- .721 Adopt the proposed decision with or without reading or hearing the record.
- .722 Reject the proposed decision and adopt an alternative decision based upon the documentary and electronically recorded record, with or without taking additional evidence.
- .723 Refer the matter to the same or a different Administrative Law Judge to take additional evidence.
 - (a) If the case is so assigned, the Administrative Law Judge shall, within 90 days, prepare a proposed decision, based upon the additional evidence and the documentary and electronically recorded record of the prior administrative hearing. The Director may then take one of the actions described in Section 11-430.72 in regard to the new proposed decision. The Director may return a proposed decision only twice on the same appeal.
- .73 The decision shall be final when the decision is mailed to the parties. However, the Director retains jurisdiction to correct clerical errors.
 - .731 Copies of the final adopted decision, or the decision of the Director and the Administrative Law Judge's proposed decision if it was not adopted by the Director, shall be mailed to the parties. Notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.
- .74 The group home provider/foster family agency shall be permitted to request a review of the final decision of the Department in accordance with Section 1094.5 of the Code of Civil Procedure, within six months of the issuance of the Director's final decision.

NOTE: Authority cited: Sections 10553, 10554, 11462.01, 11466.4, and 11468, Welfare and Institutions Code. Reference: Sections 11462.01(b)(2)(A)(i), 11462.01(b)(3), 11466.4, 11466.6, 11468, 11468.1, 11468.2, 11468.3, 11468.4, 11468.5, and 11468.6, Welfare and Institutions Code; Assembly Bill 2129, Chapter 1089, Statutes of 1993, Senate Bill 415, Chapter 950, Statutes of 1993; and Sections 11510, 11512, and 11513, Government Code.

ADMINISTRATIVE STANDARDS FOR ELIGIBILITY AND ASSISTANCE PROGRAMS
PROGRAM STANDARDS - INCOME MAINTENANCE

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CHAPTER 11-500 PROGRAM STANDARDS - INCOME MAINTENANCE

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CHAPTER 11-500 PROGRAM STANDARDS - INCOME MAINTENANCE

11-501 INCOME MAINTENANCE RESPONSIBILITIES 11-501

.1 Eligibility and Grant Decisions

Income maintenance staff shall be continuously responsible for making decisions on eligibility and maintaining correctness of grant on all public assistance cases, whether in service status or not. These include: initial determinations and redeterminations of eligibility; determination of subsistence needs; computation of grants, and share of cost (for MN); change actions on grants; movement between categorical programs; eligibility for supplemental food programs.

.2 Recording

The county welfare director shall assure that records are maintained by income maintenance staff which document the basis for eligibility decision and the amount of grant or share of cost (for MN). Such recording need not be in narrative form and should be entered on forms to the extent possible.

11-503 STAFFING STANDARDS 11-503

The number of eligibility worker and eligibility supervisor positions necessary to assure maintenance of acceptable performance levels in the income maintenance and quality control functions shall be determined by the county, taking into account the availability of clerical and other supportive processes, and shall be submitted in the county plan subject to approval by State Department of Social Services (SDSS) as standards which the county will maintain.

Maintenance of acceptable performance levels shall be measured by taking into consideration the findings of the quality control system, promptness in processing applications and paying aid, currency of reinvestigations, appropriateness of identification and referral of persons for service assessment, and such other factors as SDSS shall establish as appropriate indicators of performance.

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- .1 The use of aides is specified in Welfare and Institutions Code Section 10810.

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- .11 Welfare and Institutions Code Section 10810 states:

Subject to the approval to the Department, each county department is authorized to sponsor and conduct programs for the recruitment, training, and utilization of volunteers to assist county department employees in the performance of office duties and to aid in performing services in the counties including but not limited to the following:

- (a) Friendly visiting of the indigent aged;
- (b) Finding homes for foster children;
- (c) Escorting and transporting recipients to clinics and other destinations;
- (d) Aiding in location of improved housing;
- (e) Teaching homemaking skills and aiding in budgeting and care of the household;
- (f) Providing tutoring and other educational aid.

Volunteers shall not duplicate services performed by county department employees.

The county department shall maintain the confidentiality of records of recipients.

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**ADMINISTRATIVE STANDARDS FOR ELIGIBILITY AND ASSISTANCE PROGRAMS
LAWSUITS INVOLVING MULTIPLE PROGRAMS**

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CHAPTER 11-600 LAWSUITS INVOLVING MULTIPLE PROGRAMS

11-601 BLANCO V. ANDERSON LAWSUIT 11-601

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.1 Background

The Blanco v. Anderson lawsuit challenged the closure of county welfare department (CWD) offices during regular business hours except Saturdays, Sundays, and legal holidays.

The initial decision, issued on December 16, 1993, addressed only the closure of CWD Food Stamp offices without first having completed a review of the office hours of operation as required by federal regulations at 7 CFR 272.4(g). Emergency state regulations implementing the specific federal regulatory requirements for the required annual office hours review were effective June 1, 1994.

The final judgment, issued December 20, 1994, and amended January 3, 1995, finds that by allowing CWDs to close their offices during the "regular eight hours of the working day," class members have been denied their right to apply for and receive Food Stamp, AFDC, homeless assistance, and Medi-Cal benefits. The court ordered that when the CWDs are closed during the regular eight hours of the working day, they must do the following. They must make it possible for individuals to apply for and receive Food Stamp, AFDC, and Medi-Cal benefits, including emergency benefits, within the time limits prescribed by state and federal law. The CWDs must also provide notice of their hours of operation and of the procedures, during these hours of closure, for applying for and receiving these benefits, including emergency benefits.

These regulations implement the December 20, 1994 judgment as amended January 3, 1995.

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.2 Definitions

.21 For purposes of these regulations, the following apply:

.211 "Accept and act upon all applications for emergency benefits" includes providing such emergency benefits within the time limits prescribed by federal and state law.

.212 "Local telephone service" means a telephone number which is toll-free for the same geographic area as the regular telephone number for each CWD office.

11-601	<u>BLANCO V. ANDERSON LAWSUIT</u> (Continued)	11-601
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.213 "Opportunity to file an application for benefits" includes the provision of special assistance under 7 CFR 273.2(e) and (f) (see Sections 63-300.4 and .5) and 45 CFR 233.10(a)(10)(vi) (see Section 40-157.213).

(a) "Special assistance" means assisting the applicant as necessary in order to provide emergency benefits within the time limits prescribed by federal and state law, including waiving the face-to-face office interview, conducting the application interview by telephone, and assisting the applicant in gathering needed documents.

.214 "Regular eight hours of a working day" means the eight-hour period the CWD's offices are open to the public. If the CWD office is never open eight hours on a working day, the "regular eight hours of the working day" shall mean the hours that the CWD office is open, plus an additional time period(s) immediately before, after, or between these hours, which cumulatively equal eight hours.

.215 "Working days" means Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding federal and state holidays.

.3 **County Responsibilities**

.31 If a CWD closes its offices at any time during the regular eight hours of a working day, the CWD shall do all of the following during those hours of office closure:

.311 Provide individuals the opportunity to file an application for and receive Food Stamp and/or AFDC benefits within the time limits prescribed by federal and state law.

(a) Make applications for such benefits readily available to individuals.

(b) Provide a drop-box, mail slot, or other reasonable means for filing applications.

11-601	BLANCO V. ANDERSON LAWSUIT (Continued)	11-601
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- (1) Applications deposited as described in Section 11-600.311(b) shall be deemed to have been filed on the date of the CWD office closure.
- (2) In the event an individual certifies he/she was denied the opportunity to file an application, and the CWD does not have evidence to the contrary, the application shall be processed in all respects as though it was filed on the date of the CWD office closure.

.312 Provide individuals the opportunity to file an application for and receive expedited Food Stamp, immediate need AFDC, and/or homeless assistance benefits within the time limits prescribed by federal and state law.

- (a) Maintain sufficient staff to accept and act upon all such applications, and/or
- (b) Maintain a local telephone service with sufficient staff to accept and act upon all such applications as if such requests had been made in person at the CWD's office.

.313 Greet incoming calls on the main telephone lines of the CWD's offices with an announcement informing the caller of the following:

- (a) The working days, or regular eight hours of a working day, when the offices will be closed;
- (b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits, during these hours of office closure; and
- (c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits, within the time limits prescribed by federal and state law, during these hours of office closure.

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- (d) CDSS and the Department of Health Services are enjoined by court order in the Blanco v. Anderson lawsuit. The court order includes provisions for providing services to clients under Medi-Cal as well as Food Stamp and AFDC programs. The order requires that telephone announcements greeting incoming calls informing the public of the provisions specified in Sections 11-601.313(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

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- .314 Post notices in prominent locations within the CWD's offices and in the public areas, including the doors, immediately outside the CWD's offices which inform the public of the following:
- (a) The working days, or the regular eight hours of a working day, when the offices will be closed;
 - (b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits during these hours of office closure; and
 - (c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits within the time limits prescribed by federal and state law, during these hours of office closure.

HANDBOOK BEGINS HERE

- (d) CDSS and the Department of Health Services are enjoined by court order in the Blanco v. Anderson lawsuit. The court order includes provisions for providing services to clients under Medi-Cal as well as Food Stamp and AFDC programs. The order requires that notices posted by the CWD offices informing the public of the provisions specified in Sections 11-601.314(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code. Reference: Section 18902, Welfare and Institutions Code; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

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